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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,773	02/12/2004	Kenneth Roger Jones	1033-MS1003	2945

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TOLER SCHAFFER, LLP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER	
NGUYEN, TOAN D	
ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,773	JONES ET AL.	
	Examiner	Art Unit	
	Toan D. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 13-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 13-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Pre-Brief Conference request filed on 12/11/06, PROSECUTION IS HEREBY REOPENED. The non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 13-15, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US 7,069,328) in view of Hughes (US 6,854,009).

For claim 1, Bell discloses system and method to interface a local area network with a wide area network, comprising:

detecting the presence of a network capable device (figure 6, reference 33) that is connected to a DSL modem on a local network (figure 6, reference 40)(figure 8, reference steps 228 and 230, col. 16 lines 30-43).

establishing a network connection over a DSL line to the remote network after detecting the presence of the network capable device on the local network (figure 8, reference steps 232 and 234, col. 16 lines 44-49);

terminating the network connection over the DSL line to the remote network after detecting an absence of network capable devices connected to the DSL modem on the local network (col. 16 lines 65-67);

releasing network resources supported by the remote network after the network connection is terminated (col. 16 lines 65-67).

However, Bell does not expressly disclose detecting the presence of a powered-on network capable device. In an analogous art, Hughes discloses detecting the

presence of a powered-on network capable device (figure 11, reference 1100, Abstract, col. 18 lines 32-33).

One skilled in the art would have recognized the detecting the presence of a powered-on network capable device, and would have applied Hughes's the boot OS in Bell's personal computer PC. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hughes's networked computer system in Bell's system and method to interface a local area network with a wide area network with the motivation being detected the type of medium (e.g., cable modem, DSL) (Abstract lines 6-7).

For claim 13, Bell discloses system and method to interface a local area network with a wide area network, comprising:

the digital subscriber line router (figure 6, reference 40) including detection logic to detect the presence of a network capable device (figure 6, reference 33) that is connected to the DSL router via a local network (figure 8, reference steps 228 and 230, col. 16 lines 30-43); and

a digital subscriber line between the digital subscriber line router (figure 6, reference 40) and remote network, wherein a network connection is made over the digital subscriber line after the detection logic detects the presence of the network capable device on the local network (figure 8, reference steps 232 and 234, col. 16 lines 44-49).

However, Bell does not expressly disclose detecting the presence of a powered-on network capable device. In an analogous art, Hughes discloses detecting the

presence of a powered-on network capable device (figure 11, reference 1100, Abstract, col. 18 lines 32-33).

One skilled in the art would have recognized the detecting the presence of a powered-on network capable device, and would have applied Hughes's the boot OS in Bell's personal computer PC. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hughes's networked computer system in Bell's system and method to interface a local area network with a wide area network with the motivation being detected the type of medium (e.g., cable modem, DSL) (Abstract lines 6-7).

For claim 14, Bell discloses wherein the digital subscriber line router terminates the network connection to the remote network over the DSL line after detecting an absence of any network capable devices connected to the DSL router via the local network (col. 16 lines 65-67).

For claim 15, Bell discloses wherein the digital subscriber line router initiates release of network resources supported by a digital subscriber line network connection after the network connection has been terminated (col. 16 lines 65-67).

For claim 19, Bell discloses system and method to interface a local area network with a wide area network, comprising:

a network capable device detection module, wherein the network capable device detection module is configured to determine whether a network capable device (figure 6, reference 33) is connected to the DSL router on a local network (figure 6, reference 40)(figure 8, reference steps 228 and 230, col. 16 lines 30-43); and

a DSL modem (figure 6, reference 40), wherein the DSL modem is configured to initiate a connection to a remote network when the network capable device detection module determines that a power on network capable device is connected to the DSL router on the local network (figure 8, reference steps 232 and 234, col. 16 lines 44-49).

However, Bell does not expressly disclose a powered on network capable device. In an analogous art, Hughes discloses a powered on network capable device (figure 11, reference 1100, Abstract, col. 18 lines 32-33).

One skilled in the art would have recognized the powered-on network capable device, and would have applied Hughes's the boot OS in Bell's personal computer PC. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Hughes's networked computer system in Bell's system and method to interface a local area network with a wide area network with the motivation being detected the type of medium (e.g., cable modem, DSL) (Abstract lines 6-7).

For claim 20, Bell discloses wherein the network capable device detection module is further configured to detect an absence of a network capable device connected to the DSL router on the local network (col. 16 lines 65-67).

For claim 21, Bell discloses wherein the DSL modem is further configured to terminate a connection to the remote network when no network capable device is connected to the DSL router on the local network (col. 16 lines 65-67).

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US 7,069,328) in view of Manik et al. (US 2003/0174714).

For claim 17, Bell discloses system and method to interface a local area network with a wide area network, comprising:

a digital subscriber line router (figure 6, reference 40) to a network capable device (figure 6, reference 33) to permit subsequent connection to a remote network (figure 8, col. 16 lines 44-48); and

a digital subscriber line between the digital subscriber line router (figure 6, reference 40) and the remote network, wherein a network connection is made over the digital subscriber line to the network capable device (figure 8, col. 16 lines 44-48).

However, Bell does not expressly disclose including lease assignment logic to dynamically assign a lease, wherein a network connection is made over the digital subscriber line after the lease assignment logic has assigned a lease. In an analogous art, Manik et al. disclose including lease assignment logic to dynamically assign a lease, wherein a network connection is made over the digital subscriber line after the lease assignment logic has assigned a lease (figure 2, reference 202, page 3, paragraphs [0026] and [0027]).

One skilled in the art would have recognized the including lease assignment logic to dynamically assign a lease, wherein a network connection is made over the digital subscriber line after the lease assignment logic has assigned a lease, and would have applied Manik et al.'s configuration process 200 of the system 100 in Bell's personal computer PC. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Manik et al.'s zero-installation PPP-bridge setup for LAN-To-WAN connectivity in Bell's system and method to interface a local area network

with a wide area network with the motivation being established a connection between the CPE device 102 and the access concentrator 106 (page 3, paragraph [0027]).

For claim 18, Bell in view of Manik et al. discloses wherein the digital subscriber line router determines that the dynamically assigned lease has expired and terminates the network connection over the digital subscriber line after detecting that the lease has expired (col. 16 lines 65-67).

6. Claims 2-4, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US 7,069,328) in view of Hughes (US 6,854,009) further in view of Manik et al. (US 2003/0174714).

For claims 2-4, 16 and 22, Bell in view of Hughes does not expressly disclose assigning a dynamic lease to the network capable device. In an analogous art, Manik et al. disclose assigning a dynamic lease to the network capable device (page 3 paragraph [0026]).

Manik et al. disclose further comprising determining when the dynamic lease expires (page 4, paragraph [0028] as set forth in claim 3); further comprising terminating the network connection over the DSL line after detecting that the lease has expired (page 4, paragraph [0028] as set forth in claim 4), wherein the network connection is a point to point over Ethernet connection (page 3, paragraph [0027] as set forth in claim 16), further comprising a dynamic lease assignment module, wherein the dynamic lease assignment module is configured to assign a dynamic lease to a network capable device on the local network, and wherein the DSL modem is further configured to

terminate a connection to the remote network after an assigned dynamic lease has expired (page 4 paragraph [0028] as set forth in claim 22).

One skilled in the art would have recognized the assigning a dynamic lease to the network capable device, and would have applied Manik et al.'s configuration process 200 of the system 100 in Bell's personal computer PC. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Manik et al.'s zero-installation PPP-bridge setup for LAN-To-WAN connectivity in Bell's system and method to interface a local area network with a wide area network with the motivation being established a connection between the CPE device 102 and the access concentrator 106 (page 3, paragraph [0027]).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN
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HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600